

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the

United States Courts
Southern District of Texas
FILED

DEC 26 2019

David J. Bradley, Clerk of Court

LELTON EUGENE STONEHAM
Petitioner

v.

SHERIFF ED GONZALES
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 4:19-cv-5046
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: LELTON EUGENE STONEHAM
- (b) Other names you have used: NONE
2. Place of confinement:
 - (a) Name of institution: HARRIS COUNTY JAIL, HOUSTON, TEXAS
 - (b) Address: 1200 BAKER STREET, HOUSTON, TEXAS 77002
 - (c) Your identification number: 00595378
3. Are you currently being held on orders by:

☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:

☒ A pretrial detainee (waiting for trial on criminal charges)

☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime

If you are currently serving a sentence, provide:

 - (a) Name and location of court that sentenced you: _____
 - (b) Docket number of criminal case: _____
 - (c) Date of sentencing: _____

☐ Being held on an immigration charge

☒ Other (explain): PRE-TRIAL DETAINEE, DISTRICT COURT # 338, HARRIS COUNTY, TEXAS. CAUSE NUMBERS: 1627989, 162537701010, & 1631028

Decision or Action You Are Challenging

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: I AM BEING DETAINED ILLEGALLY AGAINST MY LIBERTY & IN VIOLATION OF THE U.S. CONSTITUTION.
 (b) Docket number, case number, or opinion number: _____
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____

(d) Date of the decision or action: _____

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes☒ NoN/A PRE-TRIAL DETENTION

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes☒ NoN/A

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

N/A

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

N/A

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☒ No

N/A

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☐ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☒ No *N/A*

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No *N/A*

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

DENIAL OF MY CONSTITUTIONAL RIGHT TO THE "REASONABLE EFFECTIVE

GROUND ONE: ASSISTANCE OF COUNSEL." MY LAWYER (STATE APPOINTED) HAS

DONE NOTHING TO HELP ME IN OVER (9) MONTHS EXCEPT TRYING TO COERCE ME INTO PLEADING "GUILTY." I HAVE (3) DIFFERENT CHARGES & MY ATTORNEY TOLD ME "THAT THE ONLY WAY THAT THEY WOULD DISMISS THE ROBBERY

(a) Supporting facts (Be brief. Do not cite cases or law.): IS IF I WOULD PLEAD GUILTY TO THE EVADING ARREST EVEN THOUGH THE VICTIM WROTE AN AFFIDAVIT STATING THAT I DID NOT "HIT HIM OR ROB HIM." THIS CLEARLY SHOWS COERCION. IN OR ABOUT (3) MONTHS AGO I FILED A "MOTION TO DISMISS COURT APPOINTED ATTORNEY." THIS MOTION WAS NEVER RULED ON BUT "IGNORED." I HAVE ALSO SUBMITTED A COMPLAINT WITH THE STATE BAR. BEING DENIED REASONABLE

(b) Did you present Ground One in all appeals that were available to you? EFFECTIVE ASSISTANCE OF
☐ Yes ☒ No **N/A COUNSEL IS A VIOLATION OF THE 4TH, 5TH, & 6TH AMENDMENTS TO THE U.S. CONSTITUTION.**

GROUND TWO: VIOLATION OF MY RIGHT(S) TO "DUE PROCESS & EQUAL PROTECTION OF THE LAWS" (NO PROBABLE CAUSE). ON APRIL 12, 2019 AT 1:10 P.M. A POLICE CAR PULLED ME OVER. I PULLED OVER IN A LIGHTED AREA. AT THAT TIME THEY RAN UP TO MY TRUCK AND STATED "WE ARE

(a) Supporting facts (Be brief. Do not cite cases or law.): GOING TO ARREST YOU FOR "EVADING ARREST" BECAUSE I TOOK TIME TO PULL INTO A LIGHTED AREA. BECAUSE I HAD PRIOR CONFLICTS WITH THESE OFFICERS THEY HAVE LIED ON ME ABOUT EVADING ARREST. POLICE CAR SURVEILLANCE CAMERAS WILL "CLEARLY" SHOW NOTHING BECAUSE I COOPERATED. ON 3-20-2019 I WAS ARRESTED FOR POSSESSION OF COCAINE SOMETHING THEY PICKED OFF THE GROUND.

(b) Did you present Ground Two in all appeals that were available to you? THEY STATED THAT I HAD
☐ Yes ☒ No **N/A GAVE IT TO THEM. ALSO, THAT BY IT BEING SO SMALL THAT IT SHOULD BE THROWN OUT.**

GROUND THREE:

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes ☒ No **N/A**

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GROUND FOUR:

(a) Supporting facts *(Be brief. Do not cite cases or law.)*:

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: I AM BEING HELD "AGAINST MY LIBERTY"
AND "CLEARLY" IN VIOLATION OF THE UNITED STATES LAWS
AS WELL AS THE U.S. CONSTITUTION. I AM REQUESTING
"IMMEDIATE" RELEASE FROM ILLEGAL CONFINEMENT.

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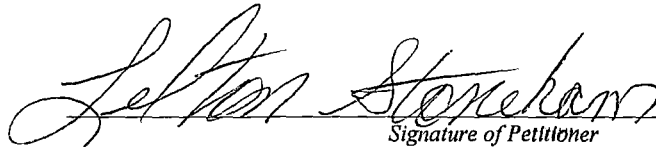
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

12/23/19

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 12/23/19


Signature of Petitioner

Signature of Attorney or other authorized person, if any

HARRIS COUNTY SHERIFF'S OFFICE JAIL

Name: Lepton Stoneham

SPN: 00595378 Cell:

Street 1800 Baker St

HOUSTON, TEXAS 77002



INDIGENT

CLERK:

UNITED STATES DISTRICT COURT

United States Courts
Southern District of Texas

FILED P.O. Box 61010

DEC 26 2019
HOUSTON, TEXAS 77208

David J. Bradley, Clerk of Court



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